

**ASSESSING THE IMPLEMENTATION OF FEDERAL POLICY TO REDUCE
THE USE OF FOSTER CARE:**

Placement Prevention and Reunification in **Child** Welfare

Volume I

A Study of **Preplacement** Prevention and Reunification
Child Welfare Service Programs
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EXECUTIVE SUMMARY

INTRODUCTION

This report presents the findings of a study of two components of state child welfare programs: **(1) preplacement prevention services (PPS)** designed to prevent family disruption and unnecessary placement of children in **foster care**; and **(2) reunification services (RS)** designed to return children to their families from foster care. **The** study, which was one of several sponsored by the U.S. Department of Health and Human Services to examine the implementation of the Adoption Assistance and Child Welfare Act of 1980 (**P.L. 96-272**), was conducted in five states-Arkansas, Florida, Minnesota, New York, and Utah-which had been certified under Section 427(b) of the amended Social Security Act. The states were purposively selected for their diversity in administration, child population, **geographical** region and history of program development. Among the five states a total of 18 county agencies or local/district offices, also purposively selected, were the organizational units of primary interest in the study.

Data were collected from a wide range of sources. State statutes, state plans, agency policy manuals, budgets, statistical studies, and evaluation studies were reviewed and analyzed. Additional **information** and a variety of perspectives on laws and policies were obtained through interviews with state and local agency administrators, juvenile **or** family court judges, unit supervisors, and caseworkers. Data on how service delivery was affecting client families were obtained through a survey of **case records**, as well as through separate interviews with the family's social worker and with the child's parents or other principal caretaker. The case-specific data were based on samples of PPS and RS families who were randomly selected at each local agency site. Among the 18 agencies a total of 326 PPS cases and 312 RS cases were selected.

The study found considerable variation in the scope and specificity of state statutes and agency policies, the availability **and** effectiveness of services, the use **of** procedural safeguards, case management configurations and practices, and **trends** in program outcomes. **The** lack of greater overall consistency can be attributed to three major factors.

- (1)** At the time that **P.L. 96-272** was enacted, the status of agency child welfare programs, while in accord with the general orientation of the new law, varied in relation to **specific provisions** that were eventually to be incorporated into the legislation. Thus federal policy **established** under **P.L. 96-272** has had differential levels of influence, depending on the extent to which agency policies and **practice were already in line with its requirements at the start** of the **three-year** implementation **period**.

- (2) Final rules were issued only after two thirds of the implementation period had elapsed. **That** delay meant that many important questions lacked clarification and **although** attempts were made to adapt statutes, policies, and practices to **P.L. 96-272**, substantive issues could not always be **fully** addressed.
- (3) Federal appropriations for title IV-B reached authorized levels during the first year of **implementation** only, precluding or limiting the type of service and resource expansion envisioned under the law. While some agencies were able to transfer unused foster care funds to child welfare programs, the lack of overall increases in funding from all federal sources, coupled in some cases with losses in state and/or local dollars, weakened the fiscal incentive system established under **P.L. 96-272**.

MAJOR FINDINGS

Although implementation of the new federal policy has varied among agencies in terms of both scope and extent, a number of major study findings point to policy areas or issues that deserve further examination and sustained attention.

Under P.L. **96-272** state agencies are required to **have** a Program of **preplacement** prevention services and a service program designed to reunify families or achieve other permanent placement of the child. While the law does not specify the **essential** components of those programs, it does require that state plans describe available services, the geographic areas in which they are available, and agency **efforts** to strengthen **existing** services **or** to **establish** new services.

Definition of goals The agencies use definitions of prevention and reunification that encompass but are broader than those contained in **P.L. 96-272**. Although state definitions of prevention include the goal of preventing removal from the home, or entry into foster care, they **also** embrace the concept of strengthening **family** functioning in situations that do not represent high risk of foster care placement. Moreover, services to prevent placement do not always represent a preplacement effort and may include, **for** example, situations in which services are delivered to maintain a recent reunification. In similar vein, the goal of reunification is not defined solely in terms of returning children to homes from which they were initially removed and may include other types of permanent placement--for example, with non-custodial parents and other relatives with whom the child had not been living prior to placement.

Organization of services. As defined under P.L. 96-272, the concept of "program" refers to a discrete **set of services** designed to achieve a **particular** goal. While agencies are committed to the goals of placement prevention and reunification, as defined in both federal and state law and policy, discrete programs have generally not been organized around either goal. Certain child welfare services or programs may **target either** in-home or foster care clients, but conceptually the two goals are viewed as defining a particular orientation or direction for the full range of available social services. There is also recognition that the goals are logically related to each other and therefore require similar procedures and service resources. This is **most** evident in New York's Preventive Services programs-which represents a **comprehensive** system for **addressing** the goals of placement prevention, reunification, and prevention of **re-entry** into care. Other agencies apply a similar strategy to lesser degrees.

With the implementation of a requirement, effective October 1984, that a set of core services be available statewide, New York's Preventive Services program will come closest to that implied in the federal law. At the same time, however, **it** is structurally elaborate, with specific organizational and funding features, planning requirements, case management and case recording procedures, training standards, and information system and reporting requirements.

Several other agencies had launched prevention-oriented initiatives. In Dakota and Ramsey counties (MN), **for** example, pilot projects involving the use of special home-based service workers were in the process of being implemented agency-wide. The case management models, however, differed in the two counties: in Dakota County a **home-based** worker and the family's protective service worker shared case management responsibilities, while in Ramsey County the home-based worker managed the case alone, providing intensive, **time-limited** services. In Arkansas the program of Supportive Services to Children in **Their Own Home** addresses issues of child rearing and family functioning but focuses on situations in which the risk of **foster care** placement is not **high**. When the question of a child's removal from the home is a central concern, the family is considered a protective service case. Florida and Utah are similar to **Arkansas** in that regard, as the agencies' protective service programs encompass the goal of preventing entry into foster care. Similarly, **none of the agencies have discrete reunification programs; rather, the goal of reunification is associated with the agency's foster care program or, in the case of New York, the Preventive Services program.**

Thus, the notion of a set of services addressing the range of permanency goals represents a departure from the language of P.L. 96-272, which requires a program of placement prevention services and a program of reunification and other **permanency-oriented** service. To a large extent, however, the approach used by the agencies is consistent **with certain realities of the practice**. The study found, for instance, that the samples of placement prevention cases and reunification cases did not represent distinct populations. Although **preplacement** services prevent the child's entry into foster care in many cases, a significant number of families have a **history of prior service use, or move between the two goals at various junctures of agency intervention during a single service episode. There were also similarities in**

the types of difficulties that brought families in both samples to the attention of the agency and in the kinds of services that were needed, and in many agencies workers managed single caseloads representing the full range of permanency goals.

Service availability. In only one third of the agencies did workers report high availability of services both to prevent placement and to reunify families. Worker reports also indicated that services directed toward reunification were less available than those available for placement prevention. This may appear paradoxical inasmuch as the agencies in the study group generally relied upon a single pool of resources to achieve both goals. It is likely, however, that worker ratings of service availability reflect the need for more powerful methods of intervention in foster care cases. Such an interpretation is supported by the fact that nearly one half of the families in the reunification sample were offered services prior to the child's placement in foster care. Assuming that these same services were then available to reunify the families, it is possible that workers were less likely to consider them viable resources under the more difficult circumstances of parent-child separation. Worker reports also indicated that a higher percentage of reunification cases than of placement prevention cases involved various types of disabling conditions, which may be less amenable to existing services.

Service effectiveness. Worker assessments of client progress indicate that services tend to be moderately effective, with services somewhat more effective in preventing placement than in reunifying families with children in care. A more precise assessment of service effectiveness will require attention to a major difficulty encountered in the study: identifying specific family needs that services were expected to meet, particularly with respect to the use of supportive, or counseling-type, services. This difficulty was most apparent in worker descriptions of the changes that clients were expected to make in order to maintain the child with the family or return the child home from foster care. Those descriptions were often ambiguous and couched in general terms, making it difficult-and, in some cases, impossible-to determine the specific nature of the expected service outcomes. That ambiguity was underscored by the fact that parents and workers frequently disagreed on the nature of expected changes and which services or resources were most helpful. There is, perhaps, a tendency on the part of some workers to define client needs in terms of particular services or treatment "packages."

Service objectives were also insufficiently specified in regard to the expected levels of client change. In some cases, workers mentioned, or written case plans described, the expected frequency of service use but rarely was there any indication of how much change was required. That lack of specificity made it difficult, in turn, to interpret worker and parent ratings of the extent to which designated changes had been made and to determine the degree to which the standard of minimum sufficient level of functioning had been incorporated into case planning and decision making activities.

A final related consideration involves specifying the locus of intervention and change. The issue emerged because social workers and case record data collectors

often disagreed on the reason for agency intervention. The major area of disagreement lay in differentiating cases of family conflict from those of family/individual conditions. **Social workers tended** more often to attribute family difficulties to individual conditions-for example, substance **abuse, emotional problems, and other disabling conditions-whereas case record reviewers defined** relatively more situations as involving conflict between family members. Although a **closer examination of how worker** assessments influenced the choice of intervention **strategies and services** could not be conducted, it is possible that in some situations treatment of individual conditions may occur in isolation, without being directly linked to family relationships and to consideration of alternate permanency options.

Serv expansion. The development and/or expansion of needed resources has been curtailed in large measure by a lack of increase in available funds. Yet, while the discrepancy between anticipated and actual levels of federal funding has been disappointing, the agencies **have been successful** in avoiding serious budget Cuts. Agencies have accomplished savings and some movement toward the policy in a variety of ways. Priorities have been reordered. The use of purchase of care (e.g., expensive institutional care) and services from the private sector has been scrutinized more carefully and in some cases has been decreased. **Layoffs** of staff have been avoided, but **positions** have been cut or remained unfilled. With some exceptions, caseload standards tend to be maintained at reasonable levels, although in some agencies cuts have been made in the number of supervisor positions. Simultaneously, more attention has been given to the use of supervisors. Some agencies have also externalized functions or programs by, for example, encouraging juvenile or youth services to provide **preplacement** services and transferring day care services to the school system.

In general, agencies have tried to reallocate savings to prevention and reunification, but have lacked adequate resources to pursue this policy in a major way. At the same time, however, they have been **fortunate** that state and county funding sources have continued to provide fiscal support and, in some instances, to compensate for losses in **federal** and/or state funds. Agencies with **close working** relationships with state and/or local legislative bodies have fared especially well in this area. Formal legislative acknowledgment of permanency goals (**i.e., statement of goals in state statute**) also appeared to be associated with **fiscal commitment to that goal orientation, as evidenced by a targeting of funds for specific programs or initiatives in, for example, Florida and New York.**

P.L. 96-272 requires, effective October 1, 1983, in each case that **reasonable efforts** have been made to prevent the **child's** entry into *foster care*. State plans must also provide that **reasonable efforts have been made** to prevent foster care placement. States **must** meet both **requirements to establish eligibility for federal foster care matching funds under title IV-E.**

Documentation of reasonable effort. Although data were collected prior to the date by which agencies were **required** to document and **obtain** judicial determination that reasonable efforts had been made to prevent a child's removal

from the home, the study assessed the extent to which agencies had been able to provide placement prevention services to families in the reunification sample. **Although case** records proved to be an unreliable source of data for determining the level of preventive effort prior to the child's placement, social worker interview data indicated that nearly one half of all families in the reunification sample received services to prevent the child's **removal** from the home; in 9 **percent** of the cases, the family refused the agency's offer of services. **The** need to protect the child's or family's well-being was the primary reason for not offering preventive services and was reported 'for 44 percent of the families who did not use such services. **The** next most frequently reported reason was that the child had been placed prior to public agency involvement, accounting for 17 percent of the families who did not use **services** to prevent placement.

Agency procedures have established procedural safeguards to prevent unnecessary entry into foster care, although those developments typically antedated the federal legislation. New York's Child Welfare Reform Act of 1979, for example, requires case documentation of services used to prevent placement. And in Florida a placement planning conference is held before a foster care referral can be accepted. Furthermore, four of the five study states require, under state statute and/or agency policy, the use of written case plans and periodic review in prevention cases, even though there are no comparable provisions in **P.L.** 96-272.

In addition, the judicial system in all states plays a significant role in making initial placement decisions. The judges who were interviewed for the study consistently emphasize both the preference for maintaining families whenever possible and the practice of involving parents in planning and decision making activities. The judges varied, however, in specific functions they choose to perform, with some focusing more narrowly upon legal procedures and due process issues and others extending their involvement to active case planning. A major limitation on judicial influence is the periodic nature of court review, which sometimes prevents more careful monitoring of case progress. Some judges would prefer less rigid adherence to prescribed standards on the frequency of court review, and believe that the flexible scheduling of hearings may result in more timely decision making.

To **establish eligibility** for title IV-E funds, states **must also** document In state plans that reasonable efforts have been made to facilitate reunification of families with children in foster care. **Closely related** to **that** requirement are **those for** the use of written case **plans**, six-month periodic review, and an **18-month** dispositional **bearing**. **In regard to written case plans, the law stipulates that they must include a description of the child's placement, a discussion of the appropriateness of the placement (evaluated against the standard of the least restrictive setting), a description of services that will be provided to facilitate reunification of the family or an alternate permanent placement of the child, and a description of services to the child and a discussion of their appropriateness, Federal regulations also require that the plan be a separate document in the case record and that it be available to**

the child% parents or guardian.

Case record data, supported by reports from social workers and parents, indicated that services to reunify families with children in foster care were actively offered and used. (It should be noted, however, that the use of specific services, as **well** as the frequency of social worker contacts with the family was sometimes not documented in the case record.) Clear patterns also emerge in the use of written case plans and periodic review providing formal evidence of **purpose**, service goals, due process, **and** concern about permanency, as required by section 427(b) of the Act. In general, there are high percentages of **cases** with written case plans and evidence of periodic review, as required. The *format* and contents of case plans varied considerably among the states, but most of those plans were developed at a time when federal guidelines had not yet been issued.

Despite those indications of adherence to the procedural safeguards established under P.L. 96-272, the appropriate and flexible use of written case plans **and** periodic review remain a management and training issue. This issue is particularly relevant to the intent of the law to assure parental involvement and timely decision making. In regard to parental involvement, the study found mixed evidence. While parental attendance at review sessions was generally high, **the** level of parent-worker agreement on service objectives tended to be average or low, as was documented evidence that parents had received a copy of the case plan.

Thus the data showed that, although procedural safeguards are being applied, they may not always be producing their intended effects to a sufficient degree. Aside from the fact that ensuring family involvement poses special difficulties in some situations—for example, in cases of severe **parent-child** conflict or sexual abuse--the findings point to three major factors that may be reducing the benefits of using those procedures.

- (1) Insufficient attention to providing parents with specific information about their rights and responsibilities. In regard to parental visiting of children foster care, for example, slightly less than 40 percent of the parents were advised of their rights and responsibilities in this area, although the relationship between the frequency of such visiting and return of the child has been established and subject to **extensive** scrutiny in child welfare research.
- (2) Inadequate specification of service objectives may produce service usage without clarity of purpose (particularly in the use of **counseling** services) and lead to disagreements about which changes need to be made, the expected levels **of** change, and when those levels have been reached. When that occurs, effective decision making may be thwarted because individuals are using different premises, standards, and information to reach their decisions.

- (3) In related fashion, insufficient development of decision making guidelines and procedures poses difficulties for direct service practitioners who **are** responsible for meeting established standards of practice. The lack of worker consensus on decision making criteria underscores the need for greater research, development, and specification of decision guidelines and tools, with particular attention to two related issues: (a) what constitutes sufficient levels of client change? and (b) what constitutes reasonable time limits for effecting those changes?

In regard to the standard of least restrictive placement, **P.L. 96-272** emphasizes the family-like nature of the child% substitute care setting. By addressing three additional factors, the study used **a** broader definition of least restrictive.” Those factors are (1) the proximity of the placement setting to the home of the parents (the law also requires placement of the child in close proximity to the parents), (2) the prior relationship between the child and substitute caretaker, and (3) the extent to which there are obstacles to parent-child visiting. Among the 18 agencies, 36 percent of the children remained in the same placement setting throughout the current foster care episode; 33 percent experienced one change of placement, and the remaining 31 percent had two or more changes. Considering the setting in which the child had been placed for the longest duration, the **analysis** found that

- 64 percent of the children had been placed in family settings;
- 88 percent of all placements were judged to be in the appropriate type of setting;
- 68 percent of the children were placed within a half hour% driving time from their parents;
- 40 percent of the children **had** met or knew the substitute **caretaker** prior to placement; and
- **70 percent of the cases involved** obstacles to parent-child visiting.

These findings suggest that agencies have been relatively successful in placing children in types of settings that workers consider appropriate--primarily in family-like placements-but less successful in locating settings that provide continuity in the relationship between child and substitute caretaker and that are in close proximity or easy access to the child's -parents. Even when client-related obstacles such **as a parent's or child's** refusal to visit were eliminated from the analysis, **many** cases involved system-related barriers to parent-child visiting. **Finally**, although most case records described the child's placement setting, few

specifically addressed the standard of least restrictive placement.

The **placement prevention and reunification** provisions **established** under **P.L. 96-272** **were designed to reduce** the **unnecessary and extended use** of foster care.

An analysis of statewide trends found decreases in both the foster care population and the foster care placement **rate** in all five states, but those **decreases** began prior to the enactment of P.L. **96-272**. Among the states, however, there was variation in the relationship between **foster** care entry and exit rates. Some states have experienced increases in the entry rate coupled with even larger increases in the exit rate, while other states have had decreases in the entry rate, associated with a **concomitant** decrease in the number **of** families referred for substantiated cases of abuse and/or neglect.

With respect to reunification rates, reports from Arkansas showed that the percentage of all children leaving foster care who returned to their families increased from 54 percent in 1980 to 62 percent in 1982. In general, however, reports of exit rates were not accompanied by information on the child's living arrangement at discharge and whether that arrangement represented a permanent status such as reunification or adoption. Such information could provide a better indicator of agency effectiveness in reunifying families because it would account for those children who leave foster care for other reasons-for example, by virtue of reaching the age of majority, running away from placement, or being placed under the supervision of another human service system (e.g., corrections, mental health).

Because agency reports are typically **based on the** average daily population (**ADP**), **additional** information on those children-for example, age, reason for referral, case goal, and anticipated date of goal achievement-would not only provide a clearer picture of who is and is not entering foster care but also permit an estimate of discharge rates for children in care. For example, during **the** study sampling period (January **1983**), there was variation both between and within states in the percentage of all children in foster care who were scheduled to be reunified with their families. In Florida reunification was planned for **67** percent of the foster care population, whereas in Utah the comparable figure was 34 percent. Furthermore, there was a range of 32 to 42 percent among the three Utah counties and a range of 14 to 39 percent among the three Arkansas counties.

Such variation also existed in the percentage of all children in foster care (in 1983) who were scheduled for adoption-18 percent in Arkansas and **13** percent in Florida. **That** figure ranged **from** 13 to 22 percent from 1980 through 1983 in Arkansas and from 20 to 25 percent from **1980** through **1982** in **Minnesota**.

Although comparable reports from all agencies in the study group were not available, the data suggest that **there are agency differences in the** relationship between foster care entry and exit rates and in the effects of that relationship on the size of the foster care population. Differences also exist in the rate of substantiated abuse and/or neglect referrals, which represent a major source of

foster care entries, and in the distribution of the **faster care** population on the type of planned discharge. While agency administrators attribute declines in placement rates to policy and program, evidence is **still** unavailable to explain how or why the declines have occurred. Without a closer examination of factors associated with entry rates, exit rates, and the rates of placement in relation to the population under age eighteen, changes in the aggregate agency load cannot be assessed in a more comprehensive manner.

Agencies also differ in the types of cases for which they **are responsible**. Cases involving delinquents, adolescent status offenders, the developmentally disabled, or children with severe emotional difficulties, for example, may be supervised by another agency or by another department/division under a state umbrella agency. Longitudinal analysis of placement trends should therefore be accompanied by an assessment of policy changes regarding jurisdictional decisions and their relationship to changes in funding levels *for the various* programs serving children, youth, and *families*.

Among cases **in** the two study samples, there was relatively little movement of children either into or out of foster care. Eighty-three percent of the children in the PPS sample remained at home during the period covered by data collection (i.e., a period ranging from six months to one **year**). Twenty-nine percent of the children in the RS sample were at home at the end of the data collection period, while 8 percent were out of foster care but living elsewhere. One third of the children who were out of care had been in placement for more than 18 months; one third of those still in care had been in placement in care for more than 18 months. The extended duration of service delivery among cases in the study samples, as **well as** the lack of **a** higher reunification rate, can probably be attributed to the **fact** that the study used cross-sectional samples, which tend to be weighted more **heavily** with older cases.

Based on recent trends in outcomes and on the initiatives developed by the states, however, there is reason to be optimistic about the direction child welfare systems are taking. Yet **for** significant progress, two elements are needed: (1) additional federal dollars to assist states in making the reprogramming shift toward both preventing unnecessary placements and also early reunification of families for whom placement is unavoidable and (2) sustained federal leadership and development of policy guidelines and technical assistance *for the requirements* of the Act. The Adoption Assistance and Child Welfare Act of 1980 is still regarded by agency **administrators** as a sound and forward policy that could be more fully **implemented** with adequate resources at considerable consequence for children and families affected.